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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,465	11/28/2003	Jong Seok Kim	0465-1100P	7975

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BIRCH STEWART KOLASCH & BIRCH  
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EXAMINER
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PATEL, RITA RAMESH

ART UNIT	PAPER NUMBER
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1792

NOTIFICATION DATE	DELIVERY MODE
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11/21/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/722,465	<b>Applicant(s)</b> KIM ET AL.	
	<b>Examiner</b> RITA R. PATEL	<b>Art Unit</b> 1792	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-9 and 21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-9 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/22/08 has been entered.

### ***Response to Applicant's Arguments / Amendments***

This Office Action is responsive to the amendment filed on 9/22/08. Claims 1, 3-5, 7-9, and 21 are pending. Claims 2, 6, and 10-20 have been canceled. Claims 1 and 21 have been amended.

Applicant's arguments have been fully considered, but are not persuasive. Thus, claims 1, 3-5, 7-9, and 21 are rejected for the reasons of record.

Applicant's amendments include the claim addition wherein the packing means having "inclined protrusions formed on a side surface of the insertion groove and are protruded toward the inside of the insertion groove to allow the packing means to be slidably inserted and supported therein". Applicant argues that the prior art Beare teaches away from providing a packing means as claimed since on page 6 of the remarks dated 9/22/08 Applicant states, "there is no incentive found in Beare to add a

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second gasket between the lid 26 and the top plate 10 because of the construction features of Beare's bezel 24, which is elevated a significant distance above top plate 10 and has sloped walls 84 and 86 to prevent liquid from reaching lid 26".

Although in some circumstances, it may not be required that a gasket be used at the lid 26 of the detergent dispenser of Beare, such as when the lid of the washing machine is maintained horizontally and there is no liquid which reaches upwardly into the detergent dispenser. However, it is noted that if a user were to fill the detergent dispenser of Beare, then lift the lid to put clothes inside the tub of the washing machine prior to washing, then the detergent would spill out. It would have been obvious to one of ordinary skill in the art at the time of the invention to have a sealing gasket formed at the detergent lid, to eliminate any possibility of detergent spilling out of the dispenser when the lid of the washing machine is raised.

Furthermore, Applicant's arguments are directed to a liquid level within the washing machine which does not rise above the lid 26, however in the case of the detergent dispenser having detergent filled therein, and the washing machine discharges a little extra water into the detergent dispenser, then inevitably the detergent would spill out. It does not take the water from the washing machine to rise to the level of the lid 26 to cause detergent to spill out, but merely a slight amount of water to push a filled detergent dispenser over the top of lid 26 to cause a spill. As indicated in the prior office action, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a gasket formed on the lid of the Beare invention to prevent liquids such as detergent and water from escaping the washing machine. If

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liquid escapes the washing machine, it may cause a mess and spew soapy water or even water with bleach outside the washing machine and pose a potential hazard.

Also, preventing external liquids from entering into the washing machine is important to keep from diluting or adding undesirable liquids to the washing machine. If undesirable liquids enter the washing machine then the laundry machine may overflow with liquid and not operate properly. Putting gaskets/sealing members on the doors of washing machines is known in the art of domestic home appliances as taught by Saponara.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-5, 7-9, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beare et al. herein referred to as "Beare" (US Patent No. 3,762,608) and further in view of Saponara (US Patent No. 2,988,788).

Beare teaches a washing machine having a cabinet top plate 10 with an opening 16 therein, a wash basket 17, a detergent dispenser 18 with a hingedly attached cover 26, and a loading hole formed by inner walls 80, 82, 84, and 86.

Beare teaches the claimed washing machine, except Beare fails to teach a packing means/sealing gasket formed on the bottomside of the detergent cover 26. It would be beneficial to have a packing means/sealing gasket formed on the cover 26 to

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keep external liquids from coming in, and vice versa, to keep internal liquids from seeping out. Attaching sealing gaskets onto doors is commonly known in the art of domestic appliances such as washing machines, refrigerators, dryers, ovens, etc. for preventing leakage. Saponara teaches a rubber sealing gasket (packing means) of continuous length for attachment to a hinging door frame such as that of an oven or refrigerator. A backing plate 26 (insertion groove) formed on the door allows the gasket to attach thereto by inserting hooks 18 into openings 16, 32 (plurality of inclined protrusions). The gasket is applied to the door by rotating the bead and flange part of the gasket to the position shown in Figure 3, to expose openings 16, 32 to permit insertion of the spring clips after which the flange and bead automatically assume the position of Figure 4 (col. 2, lines 18-24) (sliding insertion of gasket to the door).

Although the invention of Saponara can be used for sealing the doors of an oven or refrigerator, it is wholly capable of use in washing machine as well. It is well settled that the intended use of a claimed apparatus is not germane to the issue of the patentability of the claimed structure. If the prior art structure is capable of performing the claimed use then it meets the claim. *In re Casey*, 152 USPQ 235, 238 (CCPA 1967); *In re Otto*, 136 USPA 459 (CPA 1963). The gasket of Saponara may equally be used on the cover of a washing machine for performing the same leakage prevention functions. It would have been obvious to one of ordinary skill in the art at the time of the invention to have a gasket formed on the lid of the Beare invention to prevent liquids such as detergent and water from escaping the washing machine. If liquid escapes the washing machine, it may cause a mess and spew soapy water or even water with bleach outside the

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washing machine and pose a potential hazard. Also, preventing external liquids from entering into the washing machine is important to keep from diluting or adding undesirable liquids to the washing machine. If undesirable liquids enter the washing machine then the laundry machine may overflow with liquid and not operate properly. Putting gaskets/sealing members on the doors of washing machines is known in the art of domestic home appliances as taught by Saponara. Moreover, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a sealing gasket formed at the detergent lid, to eliminate any possibility of detergent spilling out of the dispenser when the lid of the washing machine is raised.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RITA R. PATEL whose telephone number is (571)272-8701. The examiner can normally be reached on M-F: 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr can be reached on (571) 272-1414. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Barr/  
Supervisory Patent Examiner, Art  
Unit 1792

/Rita R. Patel/  
Examiner, Art Unit 1792